

1 [Mission Bay South - Parks P22 and P19 Acceptance]

2
3 **Ordinance conditionally accepting a grant deed for property associated with Mission**
4 **Bay South Park P22; delegating for a three-year period to the San Francisco Port**
5 **Commission the authority to dedicate Mission Bay South Parks P22 and P19 (bordering**
6 **Terry François Boulevard) to public use, accept an irrevocable offer for the acquisition**
7 **facilities that comprise the park improvements, designate said facilities for public park**
8 **and open space purposes only, and accept these Parks for Port of San Francisco**
9 **maintenance and liability purposes, subject to specified limitations; delegating for a**
10 **three-year period to the Public Works Director similar authority for certain Public**
11 **Utilities Commission assets in Parks P22 and P19; adopting findings under the**
12 **California Environmental Quality Act; making findings of consistency with the General**
13 **Plan, the eight priority policies of Planning Code, Section 101.1, and the Mission Bay**
14 **South Redevelopment Plan; adopting a Public Works Order that recommends**
15 **delegation of Parks P22 and P19 acceptance and related actions; and authorizing**
16 **official acts, as defined, in connection with this Ordinance.**

17 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
18 **Additions to Codes** are in *single-underline italics Times New Roman font*.
19 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
20 **Board amendment additions** are in double-underlined Arial font.
21 **Board amendment deletions** are in ~~strikethrough Arial font~~.
22 **Asterisks (* * * *)** indicate the omission of unchanged Code
23 subsections or parts of tables.

24 Be it ordained by the People of the City and County of San Francisco:

25 Section 1. Definitions. All capitalized terms in this ordinance relating to Mission Bay
have the definitions ascribed to them under the Mission Bay South Redevelopment Plan and

1 Plan Documents described therein, which the City approved in 1998 in Ordinance No. 335-98,
2 a copy of which is on file with the Clerk of the Board of Supervisors in File No. 981441.

3
4 Section 2. Findings for Mission Bay Parks P22 and P19.

5 (a) Mission Bay South Park P22 (also referred to as Bayfront Park at Mission Bay) is
6 located east of the Chase Event Center, between Terry Francois Boulevard and edge of San
7 Francisco Bay and between Warriors Way and 16th Street (Assessor Parcel Block Numbers
8 8721-007, 8722-005, and 8722-006). Park P22 also contains two linear parcels on the
9 eastern edge of the park adjacent to Terry Francois Boulevard. The two parcels, Assessor
10 Parcel Block Numbers 8721-014 (“Lot 14”) and 8722-020 (“Parcel C”), are the subject of
11 separate Offers of Dedication, including grant deeds (collectively, the “Acquisition Parcels”).
12 The Board of Supervisors, in Ordinance No. 231-15 and as part of a series of actions related
13 to Chase Event Center, delegated to the Real Estate Director the authority to accept Parcel C
14 upon completion of the improvements on this parcel. The Acquisition Parcels are included in
15 the Park design and upon acceptance will be absorbed into the Park. The scope of the Park
16 P22 Infrastructure Improvements (the “Park P22 Improvements”), and its boundaries,
17 including the Acquisition Parcels that are described in the Offers of Dedication (collectively
18 “Offers of Dedication”), are shown on a draft plat (the “Park P22 Plat”) on file with the Clerk of
19 the Board of Supervisors in File No. 240635 and incorporated herein by reference. Parcel C,
20 as referenced in the Offer of Dedication for Bayfront Park, also is addressed in Ordinance
21 No. 231-15, which is on file with the Clerk of the Board of Supervisors in File No. 150996 and
22 incorporated herein by reference.

23 (b) The Mission Bay South Park P19 Infrastructure Improvements (the “Park P19
24 Improvements”) are located on the west side of Terry Francois Boulevard between Mission
25 Rock and China Basin Streets (Assessor Parcel Block Number 8720-009). The Park P19

1 boundaries and the scope of the Park P19 Improvements are shown on a draft plat (the “Park
2 P19 Plat”) on file with the Clerk of the Board of Supervisors in File No. 240635 and
3 incorporated herein by reference. The Park P22 Improvements and the Park P19
4 Improvements and any structures thereon are collectively referred to herein as the “Park
5 Improvements.”

6 (c) The Successor Agency to the San Francisco Redevelopment Agency, the Office of
7 Community Infrastructure and Investment (“OCII”), in a letter dated May 6, 2024 (the “Parks
8 P22 and P19 OCII Letter”), determined that the acceptance of the Park P22 Improvements
9 and the Park P19 Improvements is consistent with the Mission Bay South Redevelopment
10 Plan (the “Plan”) and Plan Documents. The Parks P22 and P19 OCII Letter also
11 recommended that the Board of Supervisors accept the Parks P22 and P19 OCII Letter as set
12 forth in this Ordinance. A copy of the Parks P22 and P19 OCII Letter is on file with the Clerk
13 of the Board of Supervisors in File No. 240635 and is incorporated herein by reference.

14 (d) The Planning Department, in a letter dated June 3, 2024 (the “Parks P22 and P19
15 Planning Department Letter”), determined that the acceptance of the Acquisition Parcels, Park
16 P22 Improvements, and Park P19 Improvements are, on balance, consistent with the General
17 Plan and the eight priority policies of Planning Code Section 101.1. The Planning Department
18 also found that the contemplated actions do not trigger the need for subsequent
19 environmental review pursuant to the California Environmental Quality Act (“CEQA”)
20 (California Public Resources Code Sections 21000 et seq.). A copy of the Parks P22 and P19
21 Planning Department Letter and environmental determination are on file with the Clerk of the
22 Board of Supervisors in File No. 240635 and are incorporated herein by reference.

23 (e) On June 11, 2024, at a duly noticed public hearing, the San Francisco Port
24 Commission (“Port Commission”) in Resolution No. 24-30 (the “Port Commission Resolution”),
25 recommended that the Board of Supervisors acknowledge that the Port Commission will (1)

1 accept ownership of the Park Improvements as acquisition facilities on behalf of the City when
2 Public Works (“PW”) determines that such improvements have been constructed in
3 accordance with the approved plans and specifications under the applicable permits and all
4 applicable City codes, regulations, and standards, and such improvements are ready for their
5 intended use; (2) dedicate the Park Improvements to public use; (3) designate the property on
6 which the Park Improvements are located for park and/or open space purposes; and (4) upon
7 their completion, accept Park Improvements for Port Commission maintenance and liability.
8 The Port Commission also agrees to accept the Acquisition Parcels as part of Park P22 after
9 the Board of Supervisors approves the Offer of Dedication for Lot 14 and associated grant
10 deed, and designates the Port as the owner on behalf of the City. In addition, the Port
11 Commission recommended that the Board of Supervisors delegate to the Commission for a
12 period of three years the Board’s power to: (1) accept ownership of the Park Improvements
13 as acquisition facilities on behalf of the City; (2) dedicate such Park Improvements to public
14 use; (3) designate the property on which the Park Improvements are located for park and/or
15 open space purposes; and (4) take all other official acts necessary for, or related to,
16 acceptance of the Park Improvements, including without limitation, accepting the Park
17 Improvements for Port Commission maintenance and liability and accepting conditional
18 assignment of all warranties and guaranties related to the construction of Park Improvements.
19 A copy of the Port Commission Resolution is on file with the Clerk of the Board of Supervisors
20 in File No. 240635 and is incorporated herein by reference.

21 (f) In PW Order No. 210669 (the “PW Order”), dated July 3, 2024, the City Engineer
22 certified and the PW Director determined that: (1) Mission Bay South Park P22 is currently on
23 a portion of property under Port jurisdiction and located on a portion of State Trust Parcel 5
24 and on the Acquisition Parcels; (2) FOCIL-MB, LLC (“FOCIL”) ~~has~~will irrevocably offered the
25 Park P22 Improvements to the City as set forth in the draft FOCIL Irrevocable Offer of the

1 Mission Bay Park P22 Improvements, ~~dated~~ _____ (the “P22 FOCIL Offer”); (3)
2 the Acquisition Parcels are comprised of an Offer of Dedication, including a grant deed, for
3 Parcel 14 by FOCIL, and an Offer of Dedication, including a grant deed, for Parcel C by GSW
4 Arena, LLC; (4) Mission Bay South Park P19 is currently on a portion of property under that
5 will be Port jurisdiction and is located on a portion of State Trust Parcel 5; and (5) FOCIL
6 ~~has~~will irrevocably offered the Park P19 Improvements to the City as set forth in the draft
7 FOCIL Irrevocable Offer of the Mission Bay Park P19 Improvements, ~~dated~~
8 _____ (the “P19 FOCIL Offer”). In addition, the PW Order states that PW issued
9 Street Improvement Permit No. 19IE-00483, dated July 2, 2020 for the Park P22
10 Improvements and Street Improvement Permit No. 13E-0473, dated November 1, 2013 for the
11 Park P19 Improvements.

12 (g) In the PW Order, the PW Director recommended that the Board of Supervisors
13 accept the Acquisition Parcels identified in the Offers of Dedication subject to acceptance of
14 the respective park and designate the Port as the property owner on behalf of the City.

15 (h) In addition, the PW Director recommended to the Board of Supervisors that for a
16 three-year period it delegate to the Port Commission, in consultation with the PW Director, the
17 authority to take various actions related to acceptance of Park P22 and P19 upon FOCIL’s
18 completion of all respective requirements related to the Park Improvements and Public Works
19 issuance of a Determination of Completion for each park certifying that each park upon
20 completion has been constructed in accordance with the Plans and Specifications and all City
21 codes, regulations, and standards, and the Mission Bay South Redevelopment Plan and Plan
22 Documents governing the Park Improvements and determining that they are ready for their
23 intended use. The following separate acceptance actions shall include for each park: (1)
24 accepting the final P22 FOCIL Offer of Improvements and the final P19 FOCIL Offer of
25 Improvements; (2) dedicating the Park Improvements to public use; (3) designating the

1 properties on which the Park Improvements are located for public park and open space
2 purposes; and (4) accepting these Improvements for Port maintenance and liability. A
3 ~~copy~~Copies of the PW Order and the draft P22 and P19 FOCIL Offers are on file with the
4 Clerk of the Board of Supervisors in File No. 240635 and are incorporated herein by
5 reference.

6 (i) The Public Works Order also identifies that Park P22 Improvements contain certain
7 San Francisco Public Utilities Commission (“SFPUC”) electrical assets and green
8 infrastructure and Park P19 includes green infrastructure (collectively “PUC Assets”). The PW
9 Director recommended to the Board of Supervisors that for a three-year period it delegate to
10 the Public Works Director, in consultation with the SFPUC General Manager and upon the
11 City Engineer’s issuance of Determinations of Completion for the PUC Assets in the
12 respective parks, the authority to (1) accept the SFPUC Assets that are part of the final P22
13 and P19 FOCIL Offers of Improvements when each are completed; (2) dedicate the PUC
14 Assets to public use; and (3) accept the PUC Assets for SFPUC maintenance and liability
15 purposes.

16 (j) In addition, the PW Order recommends that the Board of Supervisors acknowledge
17 that although Public Works reviewed and issued permits for the Parks under its public right-of-
18 way permitting jurisdiction, the City should not accept the Parks as public right-of-way under
19 California Streets and Highways Code Section 1806 and San Francisco Administrative
20 Code 1.52, and should instead address dedication and acceptance solely as parkland under
21 Port Commission jurisdiction in accordance with California Government Code Section 66477.1
22 and San Francisco Subdivision Code Section 1438. This will expedite the opening of Parks
23 P22 and P19 to the public and allow for the efficient and orderly transfer of jurisdictional
24 responsibility over the Park Improvements from PW permitting authority to Port Commission
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1 property and management jurisdiction in contrast to what would have been required if the
2 improvements were designated as public right-of-way.

3
4 Section 3. Adoption of Findings and Recommendations for Mission Bay South Parks
5 P22 and P19.

6 (a) The Board of Supervisors adopts as its own the CEQA findings, the General Plan
7 consistency findings, and the eight priority findings of Planning Code Section 101.1 in the
8 Parks P22 and P19 Planning Department Letter, all of which findings are referenced in
9 Section 2 of this ordinance, in connection with the acceptance of the Mission Bay Parks P22
10 and P19.

11 (b) The Board of Supervisors adopts as its own the Mission Bay South Redevelopment
12 Plan consistency findings in the Parks P22 and P19 OCII Letter, which findings are referenced
13 in Section 2 of this ordinance, in connection with the acceptance of the Mission Bay Parks
14 P22 and P19.

15 (c) The Board of Supervisors adopts PW Order No. 210669, including the City
16 Engineer’s certification and PW Director’s recommendations concerning the acceptance of the
17 P22 and P19 FOCIL Offers, the Offer of Dedication for Lot 14, delegation of various actions
18 related to the dedication and acceptance of the Park Improvements to the Port Commission
19 for Port maintenance and liability subject to the requirements identified below in Section 5 of
20 this ordinance. The Board of Supervisors also adopts this PW Order in regard to the
21 delegation of various actions related to the dedication and acceptance of the PUC Assets to
22 Public Works Director for SFPUC maintenance and liability subject to the requirements
23 identified below in Section 6 of this ordinance. The Board of Supervisors adopts said
24 recommendation as its own.

1 Section 4. Accepting a Grant Deed for Lot 14 That Is Included in Park P22.

2 The Board of Supervisors hereby conditionally accepts the Offer of Dedication and
3 grant deed for Lot 14 that is included in Park P22. The Real Estate Director, in consultation
4 with the City Attorney, is authorized to sign the final grant deed in substantially the same form
5 as that on file with the Clerk of the Board of Supervisors and record the grant deed, but only
6 after the Port Commission accepts Park P22 under the terms set forth in this ordinance.
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8 Section 5. Delegation to the Port Commission of the Authority to Accept New
9 Acquisition Facilities and Assume Maintenance and Liability Responsibilities; Other Official
10 Acts Regarding the Park Improvements.

11 (a) Pursuant to the Acquisition Agreement dated June 1, 2001, by and between the
12 San Francisco Redevelopment Agency and Catellus Development Corporation, and PW
13 Order No. 210669, the Board of Supervisors delegates to the Port Commission the authority
14 to accept the final Parks P22 and P19 FOCIL Offers, with the exception of the PUC Assets, on
15 behalf of the City and dedicate the Park Improvements ~~to~~for public use after the City Engineer
16 issues a Determination of Completion for each Park.

17 (b) As to Mission Bay Parks P22 and P19, the Board of Supervisors delegates to the
18 Port Commission the authority to approve the final Park P22 and Park P19 Plats and
19 designate the property shown thereon for park and open space purposes only. The Board
20 acknowledges that the Port Commission also will separately designate the properties shown
21 on the above referenced Plats for park and open space purposes only.

22 (c) In accordance with California Government Code Section 66477.1 and San
23 Francisco Subdivision Code Section 1438, the Board of Supervisors delegates the authority to
24 the Port Commission to take all other actions related to acceptance of the Park
25 Improvements, including acceptance of such Improvements for Port Commission

1 maintenance and liability, subject to the conditions listed in Sections 2, 3, and 5 of this
2 ordinance.

3 (d) The Board's delegation to the Port Commission regarding the acceptance of the
4 Park Improvements is for Mission Bay Parks P22 and P19 only. The Port Commission's
5 acceptance action shall exclude the PUC Assets and any encroachments that are permitted,
6 not permitted, or both.

7 (e) The Board of Supervisors also conditions its delegation of the acceptance on the
8 Port Commission obtaining FOCIL's conditional assignment of all warranties and guaranties
9 related to the construction of the above listed Park Improvements.

10 (f) The Board of Supervisors assigns all future jurisdiction over Parks P22 and P19 to
11 the Port Commission on the effective date of the Port Commission's acceptance of the Park
12 Improvements and directs the Director of the Real Estate Division to place Parks P22 and P19
13 under the jurisdiction of the Port of San Francisco on such effective date or at a later date as
14 deemed appropriate by the Port General Manager and Director of Real Estate.

15 (g) The delegation in this Section 5 will expire three years from the effective date of
16 this ordinance.

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18 Section 6. Delegation to the Public Works Director of the Authority to Accept PUC
19 Assets; Other Official Acts Regarding the PUC Assets.

20 (a) Pursuant to the Acquisition Agreement dated June 1, 2001, by and between the
21 San Francisco Redevelopment Agency and Catellus Development Corporation, and PW
22 Order No. 210669, the Board of Supervisors delegates to the Public Works Director, in
23 consultation with the SFPUC General Manager, the authority to accept the PUC Assets ~~to~~for
24 public use after the City Engineer issues Determinations of Completion for such Assets in
25 each park.

1 (b) In accordance with California Government Code Section 66477.1 and San
2 Francisco Subdivision Code Section 1438, the Board of Supervisors delegates the authority to
3 the Public Works Director, in consultation with the SFPUC General Manager, to take all other
4 actions related to acceptance of the PUC Assets, including acceptance of such Improvements
5 for SFPUC maintenance and liability, subject to the conditions listed in Sections 2, 3, and 6 of
6 this ordinance.

7 (c) The Board’s delegation to the Public Works Director regarding the acceptance of
8 the PUC Assets is for Mission Bay Parks P22 and P19 only.

9 (d) The Board of Supervisors also conditions its delegation of the acceptance of the
10 PUC Assets on the Public Works Director obtaining FOCIL’s conditional assignment of all
11 warranties and guaranties related to the construction of the PUC Assets.

12 (e) The delegation in this Section 6 will expire three years from the effective date of
13 this ordinance.

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15 Section 7. Authorization for Implementation. The Mayor, Clerk of the Board of
16 Supervisors, Port Executive Director, SFPUC General Manager, Real Estate Director, and
17 PW Director are hereby authorized and directed to take any and all actions which they or the
18 City Attorney may deem necessary or advisable to effectuate the purpose and intent of this
19 ordinance, including, but not limited to, the filing of the Parks P22 and P19 Plats in the Official
20 Records of the City and County of San Francisco.

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1 Section 8. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5 APPROVED AS TO FORM:
6 DAVID CHIU, City Attorney

7
8 By: /s/ JOHN D. MALAMUT
9 JOHN D. MALAMUT
 Deputy City Attorney

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